

### **REMARKS**

In the above-mentioned Office Action, all of the pending claims, claims 1-13 were rejected. Claims 1-3, 5-9, and 11-13 were rejected under a provisional double patenting rejection over the Applicants' co-pending patent application of application serial number 10/774,306, and claims 4-10 were subject to a provisional double patenting rejection over this co-pending patent application in view of Yi. Claims 1-6, 8-9, and 11-13 were rejected under a provisional double patenting rejection over the Applicants' co-pending patent application serial number 10/774,059. Claim 7 was further rejected over this reference in view of Brame, and claim 10 was rejected over this co-pending application in view of Yi. Additionally, claim 10 was rejected under both Section 112, first paragraph and Section 112, second paragraph. Claims 1-6 and 10-13 were rejected under Section 102 (b) over Yi. And, claims 7-9 were rejected under Section 103 (a) over the combination of Yi and Brame.

Responsive to the rejections of the claims, claim 7 has been amended, as set forth herein, and claims 10-13 have been cancelled. Additional amendments have been made to correct for informalities in claims 1 and 4. The Applicants respectfully traverse the rejection of the claims as now-presented for reasons that follow.

With respect to the provisional double patenting rejections, terminal disclaimers are submitted herewith that disclaim the terminal portions of the applications of serial number 10/774,306 and 10/774,059. As submission of the terminal disclaimers overcome the provisional double patenting rejection of the independent claims, variously of claim 1 and of claims 1, 4, and 7, the provisional double patenting rejections of the claims are believed to be overcome.

With respect to the rejections of claims 10-13 under Sections 112 and 102, these claims have been cancelled, and the Section 112 and Section 102 rejections thereof are believed now to be moot.

With respect to the Section 103 (a) rejection of claims 7-9 over the combination of Yi and Brame, claim 7 has been amended, now to recite, in response to a signal from the RLC layer, the signal being indicative of discard of the SDU, of enabling the RRC to resubmit the SDU to the RLC layer.

Neither Yi nor Brame recite such operation. Brame was cited merely for disclosing a message bus slot update/idle control in an RF trunking multi-site switch and for releasing a connection between peer layers and entering into an idle mode. And, while the Examiner relied upon paragraph [0085] of Yi for disclosing causing the RRC layer to resubmit, this recited language is cancelled. The Applicants further note that paragraph [0085] of Yi does not disclose an operation of enabling the RRC to resubmit the SDU.

The rejection of claims 1-6 under Section 102 (b) is also respectfully traversed. In general, the present invention is directed towards a method of operating a device in a mobile communications network. A feature of the recited invention is that, in response to a signal from the RLC layer, the signal being indicative of discard of the SDU, the RRC layer is caused to resubmit the SBU to the RLC layer a predetermined number N of times.

The Applicants note paragraph [0008] of the present application that states, “in accordance with clause 9.7.3 of 25.322 specification, the RLC layer of the 3GUMTS stack may, in certain circumstances, discard an SDU (Service Data Unit). There are thus proposed strategies for handling the discard of an SDU”.

Paragraph [0085] of Yi describes the retransmission of information by the RLC. Yi fails to disclose, in its paragraph [0085] or elsewhere, an RRC layer resubmitting an SDU to the RLC layer. Therefore, Yi fails to disclose this just-noted feature of the present invention, recited in each of the independent claims 1 and 4.

Yi also fails to disclose a feature of the present invention whereby, in response to N further signals indicative of the discard, of causing the RRC layer to submit to the RLC layer a failure response message that is indicative that the process indicated by the information of the SDU has failed.

Because Yi fails to disclose recited features of independent claims 1 and 4, these claims are believed to be distinguishable over Yi.

As the remaining ones of the dependent claims include all of the limitations of their parent claims, these claims are believed to be patentable for the same reasons as those given with respect to their parent claims.

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In light of the foregoing, independent claims 1, 4, and 7, and the dependent claims dependent thereon are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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